# Neg- Title IX Aff- TOC – Nirmal

## Notes

Westwood reads the aff

It’s actually abusive

1nc strat:

* effects T
* theory and K, this aff in general is actually pretty abusive.

This neg is specific to Westwood.

case:

* plan flaw, it’s not in the jurisdiction of colleges
* trump removes title 9 is alt cause
* title 9 doesn’t violate certain free speech and covers only oppressive speech now

## T- Any

### 1NC

#### Interpretation- On the Jan/Feb 2017 topic, the aff cannot specify a single type of constitutionally protected speech that their advocacy does remove a restriction for. To clarify, plan inclusive counterplans that remove restrictions in single type of speech are illegitimate.

#### “Any” is a negative polarity term which means that it is indefinite- especially considering that the res\* is a downward entailing operator

**Kadmon and Landman 93** [Nirit Kadmon and Fred Landman. “Any” Linguistics and Philosophy Vol 16, No. 4 Aug 1993. Springer. http://www.jstor.org/stable/25001516. ] NB

As is well known, any can function in two different ways hand, it can be a negative polarity item - POLARITY SENSITIV on the other hand, it has what is called a 'free choice' inte FREE CHOICE (FC) any. In this paper, we will propose a unifie of the semantic and pragmatic effects of any, which applies to its uses. The use of any as a negative polarity it is illustrated in (1) and (2). (1) I don't have any potatoes. (2) \*I have any potatoes. According to Ladusaw 1979's well known analysis, negative polarity items (NPIs) are only licensed if they are in the scope of a downward entailing operator. A downward entailing (DE) operator is an operator that reverses the direction of entailment, roughly as specified in (3) (using > for entailment). (3) O is a DE operator iff if A => B then O(B) = O(A). On Ladusaw's account, example (1) is OK because any is in the scope of negation, which, as illustrated in (4), is a DE operator. (4) swim = move I don't move => I don't swim In example (2), any is not licensed, because there is no DE operator that any is in the scope of. Ladusaw's analysis elegantly accounts for a wide range of examples. Besides negative vs. affirmative pairs like (1) and (2), it deals, for example, with examples (5)-(8). (5) At most three girls saw anything. (6) \*At least three girls saw anything. (7) Every girl who saw anything was happy. (8) \*Some girl who saw anything was happy. Assuming, with Generalized Quantifier Theory, that determiners are two place relations between a nominal property and a verbal property, Ladu saw predicts that (5) and (7) are OK because the determiner at most three is DE on its second argument (as well as the first) and the determiner every is DE on its first argument. (6) and (8) are out because at least three and some are not DE on either argument. Ladusaw's analysis of polarity sensitivity is quite successful. It gives semantic content to Klima 1964's suggestion that NPIs are licensed by 'affective' expressions, and it improves upon the analysis of Baker (1970), which is based on licensing by overt negation, in that the notion of DE provides a uniform account of the licensing of NPIs in examples with and without negation. However, there remain some empirical and theoretical issues that Ladusaw's analysis leaves unresolved. We now turn to such issues. We note the four issues summarized in (9), on which we will comment in turn immediately below. (9) constitutes, in fact, a summary of our goals: what we set out to do in this paper is provide an analysis of any that can successfully deal with these four issues. (9)i. the connection between PS any and FC any (goal: a unified analysis); ii. any as an expression which indicates reduced tolerance of ex ceptions; iii. the distribution of the NPI as determined by its meaning and function; iv. empirical problems with the licensing of NPIs I. THE CONNECTION BETWEEN PS ANY AND FC ANY. (10)-(12) are ex amples of free choice any. (10) Any owl hunts mice. (11) Any lawyer could tell you that. (12) I would dance with anybody. Ladusaw (1979) offers a whole battery of arguments that show beyond doubt that PS any is an indefinite with an existential meaning. (Arguments for this are also given by Horn (1972) and others.) FC any, on the other hand, seems to have universal quantificational force. And this goes beyond mere appearance. Carlson (1981) gives several arguments that FC any is in fact a universal quantifier. A strong argument is the behavior of almost. Almost is an operator that can modify only universal determiners, as illustrated in (13)-(15). (13) Almost every lawyer could answer that question (14)Almostnolawyer (15)\*Almostsomelaw As (16) and (17) show, alm strongly suggests that FC (16)Almostanylawye (17)\*Idon'thavealmo (This goes back to Horn absolutely. Note that we alm ost is a sentential ad conclusion - towards w ambiguous:PSanyisan quantifier.

#### “Any” does not tolerate exceptions, because it’s either an existential quantifier or a universal quantifier

**Kadmon and Landman 93** [Nirit Kadmon and Fred Landman. “Any” Linguistics and Philosophy Vol 16, No. 4 Aug 1993. Springer. http://www.jstor.org/stable/25001516. ] NB

What is it that any adds to the meaning of the indefinite NP? We think it contributes what we have described above as reduced tolerance of exceptions. Compare the (a) and (b) sentences in the following examples. (26)a. I don’t have potatoes. b. I don’t have any potatoes. (=(l) above) (27)a. Every man who has matches is happy. b. Every man who has any matches is happy. (28)a. An owl hunts mice. (=(22) above) b. Any owl hunts mice. (=(10) above) In some sense, the (b) sentences rule out exceptions more strongly than the (a) sentences do. Let us clarify and illustrate this point. A context of utterance sets up a domain of quantification, from which all sorts of things are excluded. For example, in a given context, rotten potatoes or sick owls may be excluded as irrelevant. For that reason, you can accept (26a) as true even if you know that I do in fact have a few rotten potatoes in the back yard, and you can accept (283) as true even if you don’t think that sick owls hunt mice. The effect of any in the (b) sentences, especially when it carries main or emphatic stress, is to indicate that even things that could previously be disregarded as irrelevant (in a given context) are no exception to the claim being made. Thus, I don’t have ANY potatoes may imply: not even rotten ones; ANY owl hunts mice may imply: even a sick one - the use of any indicates that even rotten potatoes or sick owls (which might have otherwise been disregarded) are no exception. In what follows, we will discuss several concrete cases, where we supply contexts for our example sentences. The content of utterance may implicitly or explicitly suggest that only cooking potatoes (the regular potatoes you might find in the pantry) are relevant. For example, suppose you say (29) or (30). (29) Could we make some French fries? (30) I feel like French fries. Do you have cooking potatoes today? If I utter (26a) (1 don’t have potatoes) in the context of what you have just said, I mean that I don’t have cooking potatoes. In this context, it is irrelevant that I do have, say, some potted potatoes decorating my room (on the assumption that my potted potatoes are not cooking potatoes), since non-cooking potatoes are not taken into account. Because my potted potatoes are disregarded in the context, they constitute legitimate excep- tions to the claim I made by uttering (26a). Now, suppose you say (30) and I reply by saying (26b): 1 don’t have ANY potatoes! This time, I am not just talking about the potatoes that would normally be considered relevant in the context of (30) (i.e. regular cooking potatoes); this time I am saying that I don’t have other potatoes, either. My utterance may very well imply that I am no longer in possession of the potted potatoes that you eyed hungrily on previous occasions. Even though decorative potatoes would not normally be relevant in the context of (30), the use of any may indicate that they too are no exception to the claim that I don’t have potatoes.

#### Violation- The aff only defends free speech that is relevant to harassment, that’s why they clarify the harassment regulation

#### 1. Specification is incompatible with “any” as an indefinite. Indefinites do not refer to particular instantiations of the resolution.

**NOD** [New Oxford Dictionary “Indefinite” adjective.] NB

lasting for an unknown or unstated length of time: they may face indefinite detention. • not clearly expressed or defined; vague: their status remains indefinite. • Grammar (of a word, inflection, or phrase) not determining the person, thing, time, etc., referred to.

#### 2. Even if “any” permits few exceptions, the aff is only a single example of the resolution, so it can’t affirm the general rule of the resolution, let alone exclude any exception. They justify whole res affs that perm every cp as part of an exception

#### Standards

#### 1. Semantics- our interpretation is best aligned with the definitions of individual words and the usage of “any” in different instances. Our interp is the most grammatical and is the most objective since it doesn’t rely on arbitrary determinants of what constitutes the best type of debate- and it determines the stasis point for what we know before the round.

#### 2. Limits- They allow way too many affs if they can allow infinite specifications of types of speech in certain scenarios. Even if there are some turns, the aff is massively overprepped for them since it limits their prep burden whereas im expected to prep against each of these affs. Generics don’t solve- agent CPs or state bad Ks aren’t persuasive vs a nuanced Aff that which has nuanced link turns specific to their aff against these. Their counterinterp proves that there’s a t version of the aff- reading it as an advantage solves their education offense and allows for a broader comparison. They explode neg prep burden and predictability which kills fairness and engagement because there isn’t sufficient literature against their position. Caselist: [zones, journalism, offensive words, political speech, advertisements, war protests, painting, not saluting, burning flag, newspapers, specific campuses, dress codes, pornography, books, religious expression, cyberspeech, organizations inside the campus, specific people, specific times, specific places, specific manners on the campuses, commercial speech, speech against specific activities, rights of individual employees on campuses, etc.]

Voter

#### 1. Fairness, debates a competitive activity, 2. Education, only portable impact. Drop the debater because A. Norms- a loss deters future abuse, B. Timeskew- drop the arg means they can kick their offense for a positive time tradeoff. C. Gateway issue- unfair args skew the rest of the round. Evaluate Competing Interps, A. reasonability is arbitrary and invites judge intervention, B. deterrence- debaters can get away with defense on theory, C. reasonability collapses into competing itnersp because we have offense defense debates about brightlines, D. it’s a binary- either the aff is topical or it’s not 5. No RVI: A. Chills theory- RVIs deter me from reading theory because good theory debaters will bait abuse and go for the RVI which causes infinite abuse. B. Kills substance- they will just collapse to the shell which ruins the possibility of us ever returning to having education. C. Illogical- you shouldn’t win for being fair. Logic is an impact because it’s the basis of argumentation. D. No abuse- you could read your own shell or prove that I violate and you don’t which equals the theory layer

## Effects T

### 1NC

#### Interpretation- The aff must defend that they remove restrictions on a type of free speech that has the intention of only increasing free speech expressed by a carded solvency advocate.

#### Violation- Their aff defends reclarifying harassment law and then claims that it will address free speech

#### Standards-

#### 1. Topic Literature- they effectively gut neg ground because all neg ground is only based on the policy of free speech itself- nothing else. We lose different types of studies and indicts of causal mechanisms. Topic lit controls the link to a predictable ground bsae which forms the basis for research and predictable offensive paths

#### 2. Ground- They get infinite types of mechanisms that solve the aff’s harms in different ways , they can also use those to find non-topic relevant advantages which guts negative prep. Generics don’t solve- they’re not persuasive vs nuanced AFFs. They can also use their specific mechanism to solve back different parts of neg DAs

#### 3. Resolvability. Effects topicality makes topicality depend on the solvency debate which creates an irresolvable contingency that blurs the line between substance and theory. That precludes an impartial, correct ballot.

## <Insert any K>

## Case

### DA- Hate Speech

#### Title IX remaining strong is critical to protect possible hate- Cal State proves

**Wilson 11** [Natalie Wilson, 11-14-2011, "To Get Hate Speech Off Campus, Cal State Students Wield Title IX," Ms. Magazine Blog, <http://msmagazine.com/blog/2011/11/14/to-get-hate-speech-off-campus-cal-state-students-wield-title-ix/>] NB

In an ongoing student battle against a hate-filled tabloid, The Koala, that has been causing uproar on three Cal State campuses since January, Cal State San Marcos students have now [filed a Title IX complaint](http://calloutthekoala.com/2011/11/10/cal-state-students-file-title-ix-complaint-with-u-s-office-for-civil-rights/" \t "_blank) with the university. In addition to aggressively handing out their publication by shoving it in students’ faces, “Koalans” also make it available [online](http://www.csusmkoala.com/" \t "_blank). Typical content in the privately-owned tabloid are “top ten” lists such as “Top Ten Breakup Lines To Use On A Girl You Kidnapped.” It has progressed over the months from general “rape jokes,” racist slurs and homophobic remarks to specifically naming and targeting individual students. The most recent edition includes a photo of a women’s studies student Photoshopped onto a pornographic image, along with the suggestion that another student activist jump off the campus parking structure. Students filed the Title IX complaint after receiving no university response to a [recent letter,](http://calloutthekoala.com/2011/10/19/check-out-our-letter-to-the-csusm-and-cal-state-leadership/" \t "_blank) signed by hundreds of students and faculty, demanding that the community be protected from the hostile environment created by the Koala. Despite local news media coverage of the issue, [a petition at Change.org](http://www.change.org/petitions/act-against-hate-at-cal-state-university-san-marcos) with over 700 signatures, and direct complaints from many students and faculty, the university has maintained its stance that The Koala is protected speech. “Officials at CSUSM have enabled the severe and pervasive harassment of women and other classes of students targeted for such harassment by The Koala,” [says](http://calloutthekoala.com/2011/11/10/cal-state-students-file-title-ix-complaint-with-u-s-office-for-civil-rights/" \t "_blank) Professor Wendy Murphy, a Title IX expert who is assisting the students with their complaint. She explains: It is clear that the harassment of students…is a form of discrimination prohibited by the statutes enforced by the Office for Civil Rights. The presence of The Koala at Cal State San Marcos has created an environment that any reasonable person would find intimidating, hostile and offensive, and this environment is limiting the Cal State students’ ability to participate in and benefit from educational programs. The university is bound by federal law to provide a prompt and effective response on behalf of victimized students and the integrity of the academic environment as a whole.

#### Even clear policies that attempt to clarify the distinction between harassment and speech still limit the effectiveness of the policy when it does result in psychological harm

#### Speech codes from Title 9 are good– they diminish right-wing movements and form coalitions of targeted groups.

**Parekh 12** [Parekh, Bhikhu (2012) ‘Is There a Case for Banning Hate Speech?’, in Herz, M. and Molnar, P. (eds.) The Content and Context of Hate Speech: Rethinking Regulation and Responses. Cambridge: Cambridge University Press, pp. 37–56. ]

It is sometimes argued that banning hate speech drives extremist groups under- ground and leaves us no means of knowing who they are and how much support they enjoy. It also alienates them from the wider society, even makes them more detennined. and helps them recruit those attracted by the allure of forbidden fruit. This is an important argument and its force should not be underestimated. How- eyer, it has its limits. A ban on hate speech might drive extremist groups underground, but it also persuades their moderate and law-abiding members to dissociate them- selves from these groups. When extremist groups go underground, they are denied the oxygen of publicity and the aura of public respectability. This makes their operations more difficult and denies them the opportunity to link up with other similar groups and recruit their members. While the ban might alienate extremist groups, it has the compensating advantage of securing the enthusiastic commitment and support of their target groups. Besides, beyond a certain point, alienation need not be a source of worry. Some religious groups are alienated from the secular orientation of the liberal state, inst as the communists and polyamoronsly inclined persons bitterly resent its commitment (respectively) to market economy and rnonogamy. We accept such forms of alien- ation as inherent in collective life and do not seek to redress them by abandoning the liberal state. The ban might harden the determination of some, but it is also likely to weaken that of those who seek respectability and do not want to be associated with ideas and groups considered so disreputable as to be banned, or who are deterred by the cost involved in supporting them. There is the lure of the prohibited, but there is also the attraction of the respectable.

#### Turns the case and outweighs

#### 1. Magnitude- Hate speech normalizes psychological violence which renders educational spaces null and increases likelihood of physical violence

* Makes physical violence more likely—empirically proven
* Causes psychological harms
* Makes educational spaces null and void
* Normalizes oppressive practices
* Easy to reject from a position of privilege

**Heinze 14**: Eric Heinze, professor of law & humanities at Queen Mary university of London. March 31, 2014. Nineteen arguments for hate speech bans—and against them. Free Speech Debate. Free speech scholar Eric Heinze identifies the main arguments for laws restricting hate speech and says none are valid for mature Western democracies. <http://freespeechdebate.com/en/discuss/nineteen-arguments-for-hate-speech-bans-and-against-them/>. RW

On all sides of the debate, we can agree that speech is necessary for democracy. Governments ought not to abridge speech willy-nilly. They must show how the speech in question poses a genuine danger. In the case of hate speech, has any such menace been shown? In my book [Hate Speech and Democratic Citizenship](https://global.oup.com/academic/product/hate-speech-and-democratic-citizenship-9780198759027?cc=gb&lang=en&), I reject the classical liberal defences of free speech, let alone newer libertarian ones. I argue that the strongest case for free speech is grounded on specifically democratic principles, which must not be confused with Millian, liberal ones. I cannot reproduce that thesis here, but will briefly respond to some familiar claims raised by the bans’ advocates. 1. The ‘anti-absolutist’ argument: ‘No rights are absolute. Rights must be limited by respect for others, and by the needs of society as a whole. The British Lord Bhikhu Parekh writes, “Although free speech is an important value, it is not the only one. Human dignity, equality, freedom to live without harassment and intimidation, social harmony, mutual respect, and protection of one’s good name and honour are also central to the good life and deserve to be safeguarded. Because these values conflict, either inherently or in particular contexts, they need to be balanced.” There are, moreover, many regulations of speech to which no one objects, punishing, for example, commercial fraud, graffiti, or courtroom perjury. Hate speech bans are no different.’ The ‘not speech’ argument: ‘The crudest hate speech is not really speech at all. It is merely the kind of “inarticulate grunt” that can legitimately be banned because it forms, in the words of US Supreme Court Justice Anthony Kennedy, “no essential part of any exposition of ideas.”’ The ‘Weimar’ (or ‘snowball’) argument: ‘Democracy under the Weimar Republic or the former Yugoslavia show that too much free speech leads to atrocities. Some offensive remarks may, on the surface, appear harmless. But seemingly innocuous offences snowball into more pernicious forms. Once speech reaches a Nazi-like extreme, it becomes too late to avert the dangerous consequences.’ The ‘direct harm’ argument: ‘Hate speech can cause psychological harm, just as hate-motivated violence causes physical harm. Children who are called “nigger”, “Paki”, or “queer” suffer just as much as when they are physically bullied. For adults, verbal abuse can render workplace, educational or other environments unbearable.’ The ‘indirect harm’ argument: ‘The harms of hate speech do not manifest in a conventionally empirical sense. From some phenomenological and socio-linguistic perspectives, hateful expression is “illocutionary”, i.e. not merely denoting hatred but enacting discrimination, and “perlocutionary”, disseminating adverse psychological effects regardless of any materially evident impact. Anthony Cortese describes a “cultural transmission theory”, whereby cultures “pass hate on to each succeeding generation, making intolerance “normal or conventional.” Hate speech germinates intolerance, not through discrete, causally traceable chains of events, but through cumulative effects.’ The ‘hate crime’ argument: ‘The bans are necessary because hate speech is commonly connected to hate-based acts of murder, battery, rape, assault, and property theft or damage.’ The ‘disproportionate impact’ argument: ‘It’s easy for those in privileged positions to oppose hate speech bans. They do not bear the brunt of hatred. But “individual freedom” looks different from the viewpoint of historically vilified groups.’

#### Turns counterspeech- psychological violence hurts ability to participate in the movement

#### 2. Inclusivity- It causes less discursive participation from minorities which harms ability to reach the truth

**Horne 16**: Solveigh Horne, Minister of children and equality in Norway. “hate speech—a threat to freedom of speech.” March 8, 2016. Huffington Post. <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html>. RW

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right.

### Harms Deficit

The aff doesn’t resolve their own impact- they don’t overcome the corporate education consumerism and how institutions use policies to just protect their administration

#### The aff is too small to do anything and uniqueness overwhelms the link because T9 is still in place 7

### Gov Deficit

#### Title IX forces colleges to either mandate speech codes that counts as harassment- it’s a federal law

**Richardson 16** [Bradford Richardson (reporter) Washington Times Http, 5-1-2016, "Title IX ‘harassment’ order seen as free speech threat," Washington Times, <http://www.washingtontimes.com/news/2016/may/1/title-ix-harassment-order-seen-as-free-speech-thre/>] NB

Several free speech advocacy groups are concerned about a Justice Department order that they say forces colleges and universities to violate the First Amendment. Justice sent a letter to the University of New Mexico in late April concluding an investigation into the school’s sex discrimination policies and practices. In the letter, the agency said the university’s policies failed to account for “unwelcome conduct of a sexual nature,” including “verbal conduct,” in violation of Title IX. According to the letter, federal law defines sexual harassment as “unwelcome conduct of a sexual nature includ[ing] unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as sexual assault or acts of sexual violence.” The Justice Department required universities to investigate any “unwanted sexual conduct” to determine “whether the harassment was sufficiently serious as to cause limitations or denial of educational benefits.” Foundation for Individual Rights in Education President and CEO Greg Lukianoff said the Justice Department letter has put colleges and universities in an “impossible position,” forcing them to choose between violating “the Constitution or risk losing federal funding.” “The federal government’s push for a national speech code is at odds with decades of legal precedent,” Mr. Lukianoff said in a FIRE report on the letter. “University presidents must find the courage to stand up to this federal overreach.”

They are in a double bind: either

1. The aff defends public colleges as the actor and they don’t change anything because they can’t overcome federal law. Even if the aff changes how law around sexual harassment works- they don’t change Title 9’s rule which means that it’s a strong alt cause that overcomes the aff
2. The aff defends that the government changes it’s Title 9 procedures which means that they are extraT because they don’t defend actors in the res. That’s unfair- they hurt neg ground because they use unpredictable benefits specific to their actor and they can derive other extraT advantages from that actor

### Not FS

#### The Supreme Court ruled constitutionally protected to not include the speech that title 9 requires codes against, so the status quo solves the distinction between offensive speech and academic speech—the aff does nothing

**Kruth 16**

‘TWISTING TITLE IX’ WEEK: Title IX Enforcement Has Continued Negative Effect on Freedom of Expression By Susan Kruth September 29, 2016 https://www.thefire.org/twisting-title-ix-week-title-ix-enforcement-has-continued-negative-effect-on-freedom-of-expression/

Title IX requires schools to respond to allegations of sexual harassment in order to ensure no students are denied access to an education because of their sex. Accordingly, ensuring that schools understand the boundaries of what constitutes “sexual harassment” falls under OCR’s purview. OCR used to be a positive force when it came to distinguishing sexual harassment from constitutionally protected speech. In a 2003 “Dear Colleague” letter on the First Amendment, for example, **OCR emphasized the importance of maintaining freedom of speech and of properly defining “harassment” so as not to infringe on expressive rights.** The agency wrote: **Some colleges and universities have interpreted** **OCR’s prohibition of “harassment” as encompassing all offensive speech regarding sex, disability, race or other classifications. Harassment, however, to be prohibited by the statutes within OCR’s jurisdiction, must include something beyond the mere expression of views, words, symbols or thoughts that some person finds offensive.** Under OCR’s standard, **the conduct must also be considered sufficiently serious to deny or limit a student’s ability to participate in or benefit from the educational program.** Thus, OCR’s standards require that the conduct be evaluated from the perspective of a reasonable person in the alleged victim’s position, considering all the circumstances, including the alleged victim’s age. **This is an accurate reflection of the Supreme Court’s holding in Davis v. Monroe County Board of Education**, 526 U.S. 629, 650 (**1999**), that student-on-student harassment is conduct “so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school**.” Speech that does not rise to that level remains constitutionally protected**. In stark contrast, OCR’s 2011 “Dear Colleague” letter on sexual violence gives colleges and universities thorough and detailed instructions on how to respond to allegations of sexual harassment and assault, but it fails to remind institutions that in addressing sexual misconduct, it must respect students’ expressive rights, too. The letter states simply: Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Shortly after this letter was published, FIRE expressed the concern “that schools seeking to comply with OCR’s increased emphasis on sexual harassment education and prevention will fail to promulgate and disseminate sexual harassment policies that provide sufficient protection for student speech.” Indeed, policies modeled on the 2011 letter’s harassment provision would prohibit a huge amount of protected expression, as the vast majority of unwelcome verbal conduct of a sexual nature falls short of the Supreme Court’s definition of “harassment.” Moreover, as followers of FIRE’s work know, colleges and universities frequently view censorship and punishment of speech as a reasonable solution to a range of student complaints. They need near-constant reminders that censorship is not an acceptable answer at public institutions or private schools that promise freedom of expression—and even with such reminders, schools often commit egregious violations of constitutional or contractual rights. But in 2013, OCR did much worse than its vague and incomplete statement on harassment from its 2011 letter. At the conclusion of a joint investigation by OCR and the Department of Justice into the University of Montana’s handling of sexual assault allegations, DOJ and the Department of Education (of which OCR is a part) released a findings letter and resolution agreement among the three parties. In the findings letter, the Departments defined “sexual harassment” broadly as “any unwelcome conduct of a sexual nature,” including “verbal … conduct”—that is, speech. It further proclaimed that the agreement would “serve as a blueprint for colleges and universities throughout the country to protect students from sexual harassment and assault.” Thus, through its resolution of this investigation, the federal government sent a clear message to thousands of colleges and universities: They must enact unconstitutionally overbroad speech codes in order to comply with Title IX. In response, just as FIRE worried, colleges and universities across the country have enacted speech codes that mirror or track the “blueprint” and infringe on a wide range of protected expression. Several blueprint-esque policies were named FIRE’s Speech Codes of the Month, but hundreds of similarly unlawful policies remain effectively unchecked at institutions nationwide. Making matters worse, earlier this year, DOJ doubled down on its troubling speech code mandate in its findings letter concluding an investigation of the University of New Mexico. In FIRE’s press release on the event, we reviewed just some of the circumstances in which students and professors have been investigated and punished for supposed harassment, despite having engaged only in clearly protected expression. And FIRE isn’t alone in our concern over OCR’s abandonment of First Amendment principles. The American Association of University Professors (AAUP) released a report this year on “The History, Uses, and Abuses of Title IX,” which is well worth reading in full. The report’s executive summary notes the AAUP’s conclusion “that the current interpretation, implementation, and enforcement of Title IX has compromised the realization of meaningful educational goals that lead to sexually safe campuses.” Among other problems, OCR’s recent actions threaten “academic discussion of sex and sexuality,” faculty members’ “protected speech in teaching, research, and extramural contexts,” and “robust faculty governance.” **Institutions must remember that it is possible to both respect the campus community’s right to freedom of expression and respond appropriately to allegations of sexual harassment**. **By utilizing the Supreme Court’s definition of harassment**, **colleges and universities can achieve these twin goals simultaneously.** And as long as OCR directs institutions to do otherwise, institutions should defy OCR. After all, no document or letter from OCR can trump the First Amendment.

### AT: Rape Law

#### 1. Strength of link- Title 9 is used to police more instances of actual abuse rather than one college that their evidence cites as when actual tradeoff happened between the two

#### 2. Doesn’t solve- clarifying harassment regulation even according to your three planks can still mean that some types of content that fall under the category of “free speech”

#### 3. Turn- there is a certain line that professors shouldn’t cross or they don’t need to use triggering terms in order to adequately teach rape law—that just causes more harm for individuals who have actually experienced it

#### 4. Turn- small solutions like the aff that barely shift away from the status quo cause a resentement DA because they claim that they will lead to large progress but it will barely decrease actual harassment

#### 5. Alt Causes to your impact-

#### A. Not every student experiences triggers and trauma as a result of free speech which means that there are still capable students who have to learn the course material

#### B. there is a large amount of lawyers currently who aren’t given cases which means that they should be sufficient to challenge law in the future

#### 6. Wrong solution to the problem- people shouldn’t have to endure horrible images of rape in order to understand why it’s bad and explain to others why they are on the wrong side of the issue

### AT: Student Journalism

#### 1. Low Strength of link- Title 9 is used in more isntances to protect students rather than the one college they cite in which it’s came at the expense of questionable journalism

#### 2. Doesn’t solve- clarifying harassment regulation even according to your three planks can still mean that some types of content of journalism may not fall under the category of “free speech”

#### 3. Turn- the DA outweighs on scope, your own evidence indicates that the public had a negative reaction to the “ironic” journalism

#### 4. This creates an online record of minor crimes that are expunged by the legal system- that hurts future job opportunities and causes rights violations

**Reimold 13** [Dan Reimold, 10-22-2013, "Should college newspapers publish the names of student criminal suspects?," USA TODAY College, http://college.usatoday.com/2013/10/22/should-college-newspapers-publish-the-names-of-student-criminal-suspects/]

As she contends, “Miami University is a place where students come to start their lives. They are still young adults, and mistakes are common. Many of the incidents published in the Police Beat are first-time offenses in which the charges are dropped. Although the legal system forgives these mistakes, The Miami Student does not. Once your name goes online with publication, it’s out there forever. In the past this was not the case. Technology has made this discussion pertinent. Tradition must be re-evaluated as the world around us changes.” Tradition aside, from a legal perspective, a local Ohio attorney supports the shift because the past naming of students has resulted in trouble for them once they had their records sealed — a normal occurrence for the smaller infractions (usually tied to alcohol or marijuana) often included in the column. Another argument in favor of dropping the names centers on what some see as biased source material: the original police report. In Taylor’s words, “It relies on information presented by a single source, a police officer’s 10-minute encounter with an individual. By nature, they are one-sided. They provide no follow-up, no outside perspective or investigation. They lack the integrity of a balanced news story.” A local police officer’s counter to that charge is that the problem is among the public who reads the reports, not the police who write them up. As he put it, “A person’s name in the Police Beat is not placed there in a malicious fashion. It is a stating of facts of circumstance. It doesn’t state that a crime was committed.” Nevertheless, a letter writer applauding the change equates the entire name-game with “salacious journalism that serves no greater purpose other than inducing gawking and giggling at the misfortunes of others. These incidents are often the result of larger problems, including a culture that celebrates binge drinking and a system that doesn’t do enough to educate young people on the effects of alcohol. Furthermore, in a question of ethics, journalists must weigh the importance of sullying the names of students who have done something embarrassing, but not necessarily newsworthy. I point to the case of a young man who vomited while in police custody (Police Beat, 9/27/13). Whose interests are served when reporting this man’s name?”

#### 5. Blotters are counterproductive- it diminishes safety because dorms become hostile- that also hurts proper education

**Nick 16** [Madison Nick, "Public knowledge or public humiliation?," Tab Pitt, http://thetab.com/us/pitt/2016/03/21/public-knowledge-public-humiliation-236]

Having your mistakes featured in a news article while you’re paying thousands in tuition to call your university “home” is not an ideal situation for any college student. While I understand this is a practice of “professional journalism” it is also morally and ethically wrong to post these types of news articles that are undoubtedly causing detriment to your own university’s students. Publishing police and crime news is a standard journalistic practice and is done to inform readers of where activity took place as a safety precaution, but The Police Blotter that is published every week in this same newspaper informs readers of this news already. Not to mention, in the police blotter student’s identities are kept anonymous. This is a much more efficient way of relaying information than targeting students and making them feel small at the University they choose as their home away from home. So why choose to ostracize students by publicizing these types of news stories that are making this information easily accessible for teachers, classmates, and potential employers to see? Not only does this make the student feel belittled, but it also could create an uncomfortable studying and living situation for them at their University feeling as if their reputation has been ruined. Though the argument can be made, and was made, that these arrest articles are public knowledge and anyone has the ability to see the arrest report, the amount of detail and the article itself would not have been as readily available had the newspaper not published it on paper and online. Now, anytime an employer searches that specific student’s name the online article is right there to view. The news articles of this type created a lot of uproar and backlash from students. My friend who was targeted by the school newspaper was so upset that a few students at the university went around and took all of the newspapers that had her article in it. They blacked out her name with sharpie and put most the newspapers back. One of the university’s professors was so angered by this that he photocopied the article, highlighted the student’s name, and sent it home to her parents anonymously. Later he was caught, but this proves that these types of articles are not only singling out students for their mistakes but also creating a hostile environment on campus among students AND GROWN ADULT PROFESSORS. This story brings a very important issue to the playing field that needs to be addressed by universities everywhere and their newspapers. Is the idea of “professional journalism” more important than bettering your student’s futures and staying loyal to the people that call your university home?

#### 6. Also proves alt solvency to your impacts because police blotters already provide information about levels of harassment on campus and provide adequate protection

#### 7. Turn- publishing individual identities of students on campus are more likely to make people direct their attention to stopping those students on campus and lose focus on other possible perpetrators on the rise

### ???Trump Alt Cause

#### New Trump administration and Republican congress will limit title 9’s power and rollback – that means the aff doesn’t get an opportunity to happen because T9 won’t exist

**Mattiuzzi 10/14 2016.**

[**http://www.huffingtonpost.com/paul-g-mattiuzzi/donald-trump-and-the-futu\_b\_12476304.html**](http://www.huffingtonpost.com/paul-g-mattiuzzi/donald-trump-and-the-futu_b_12476304.html) **Paul G. Mattiuzzi Licensed psychologist, criminal forensic consultant, workplace solutions expert. Donald Trump and the Future of Title IX: The Campus Could Become a More Dangerous Place 10/14/2016 06:27 pm ET**

Eliminating the Office for Civil Rights would not be easy, as it was formed through the Department of Education Organization Act in 1979, the same federal law that created the Education Department. While OCR’s handling of **Title IX has** its share of **critics in the House of Representatives and Senate**, there has been little indication of either chamber broadly supporting the complete abolition of OCR, even **with a Republican majority and president. But if the office remains intact,** **there’s little chance** its level of **funding will remain** or increase. **Many experts on Title IX have predicted that a Trump administration would cut OCR’s budget, effectively limiting the number of investigations it could conduct at a time when the office already struggles to keep pace with the number of cases it has opened**. As of last year, it took OCR, on average, 940 days to complete a sexual assault investigation. Currently, the Office for Civil Rights still has 216 open investigations. Ann Franke, a higher education consultant and former campus Title IX official, said she doubts a Trump Education Department would maintain the public list, started by the Obama administration in 2014, of colleges that are under investigation. **The investigations that remain open when Trump becomes president will also likely be judged by a different set of standards and rules than cases that were settled during the Obama administration, she said.** “I would expect between now and Jan. 20, [the Obama administration's] OCR is going to be working to reach a lot of resolution agreements with a lot of institutions under investigation,” Franke said. “And I suspect institutions will have new leverage in negotiating resolutions over the next couple of months.” In 2011, **the Department of Education’s Office for Civil Rights issued a Dear Colleague letter that urged institutions to better investigate and adjudicate cases of campus sexual assault.** **The letter clarified how the department interprets Title IX**, and for the past five years it has been the guiding document for colleges hoping to avoid a federal civil rights investigation into how they handle complaints of sexual violence. **Republican lawmakers have argued that the guidance goes farther than just clarifying Title IX. They say the department has illegally expanded the gender discrimination law’s scope -- increasing the liability for institutions dealing with bullying, harassment and sexual violence and relaxing the burden of proof institutions are required to use when adjudicating cases of sexual assault -- without going through proper notice-and-comment procedures.** The department maintains the guidance did not create any new laws or policies, however, and serves only to fill in some of the vaguer parts of Title IX in order to help colleges not run afoul of the law. The debate has split college leaders, lawmakers, advocates and legal experts -- and led to three lawsuits against the Education Department. “**With these lawsuits against the Department of Education, all** **the new administration** **has to do is just not defend the case,” said S. Daniel Carter, a campus security consultant and former director of the 32 National Campus Safety Initiative.** “That **would roll back many** of the **provisions** **of the** Dear Colleague **letter**, including the requirements about what burden of proof colleges must use.” While Trump has not said whether he plans on changing any guidance or funding related to Title IX, the Republican Party did include campus sexual assault and Title IX as part of the platform it released at the GOP convention in July. Scott Schneider, a lawyer and adjunct professor of higher education law at Tulane University, wrote on Twitter that the platform points to a "significant regulatory shift" **under a Trump administration**. Calling sexual assault a “terrible crime,” **the Republican platform** stated that reports of sexual assault should be “investigated by civil authorities and prosecuted in a courtroom, not a faculty lounge.” It **criticized** **the** Obama administration’s policies, saying the White House’s “**distortion of Title IX to micromanage** the way **colleges and universities** deal with allegations of abuse contravenes our country’s legal traditions and must be halted.” **Trump could issue new Title IX guidance**, **based on the GOP’s platform**, that would replace the 2011 Dear Colleague letter.